BUREAU OF LAND MANAGEMENT
FARMINGTON FIELD OFFICE

PROCEDURES FOR REQUESTING AN EXCEPTION TO SEASONAL DRILLING RESTRICTIONS

November – 2003

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Farmington Field Office
1235 La Plata Highway, Suite A
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Dear Oil & Gas Operator:

The information contained in this booklet reflects the combined efforts of representatives from industry, the New Mexico Department of Game & Fish, the environmental community, sportsmen groups, and BLM resource specialists. This information is intended to assist you in understanding the rationale behind the BLM's seasonal restrictions on drilling and other construction activities in Specially Designated Areas (SDAs) for wildlife and to help you in formulating your annual drilling plans. The BLM recognizes that there may be instances where exceptions to the seasonal restrictions may be desired by operators. Criteria upon which exceptions may be granted are outlined in this document along with examples of activities that would be exempt from seasonal restrictions and those types of activities that are restricted. Procedures for applying for an exemption are also defined. A map depicting areas where requests for exceptions in high and moderate category SDAs would be more favorably viewed is also included.

The BLM recognizes the short time frame that industry has had to adjust to the BLM's recently revised Resource Management Plan (RMP). With this in mind, the granting of exceptions this year (winter of 03-04) will be more flexible than it will be in the future, depending upon the severity of the winter and animal density. This will allow companies time to plan well in advance for more stringent viewing of exceptions in the following years.

The BLM appreciates the efforts of industry to accommodate these changes in management. It is the BLM's belief that the recent changes to our land use plan reflect a balanced approach to multiple use management and will help ensure reasonable access to leases and mitigation of impacts to our wildlife resources. Specific questions concerning the exception criteria or seasonal restrictions should be directed to John Hansen at 505-599-6325.

Sincerely,

Steve Henke
Field Manager

CRITERIA FOR GRANTING EXCEPTIONS TO SEASONAL RESTRICTIONS ON DRILLING AND NEW CONSTRUCTION IN WILDLIFE SPECIALLY DESIGNATED AREAS IN THE FARMINGTON FIELD OFFICE AREA

Introduction: In 2003 the Farmington Field Office (FFO) of the Bureau of Land Management completed the revision of its Resource Management Plan (RMP). The Record of Decision (ROD) approving this plan revision and its adoption was approved on September 29, 2003. This plan encompasses significant changes in managing human activity and its potential impact to wildlife populations, primarily big game. Integral to implementing these changes was the creation of 9 Specially Designated Areas (SDAs) for wildlife and the inclusion of timing limitation stipulations in the management prescriptions for 2 Recreation SDAs (See Table 1.). In addition, timing stipulations for raptor nesting and bald eagle roosting sites were carried forward from the previous plan to the current one. The total number of public land acres in the FFO with wildlife related timing stipulations is 348,915 acres (exclusive of sporadically located raptor nests) or approximately 25 percent of the total 1,415,300 acres (FFO ROD, 2003)). Note: exceptions to bald eagle timing stipulations will not be approved due to the necessity of having to re-consult with the U.S. Fish & Wildlife Service and the relatively minor amount of area covered by this stipulation. Exceptions for raptor nesting conflicts will be processed on a case by case basis. Application procedures for applying for an exception to the big game seasonal timing stipulations and the criteria by which they will be rated are described below.

Background Information: One of the primary considerations in determining the extent of the SDAs was the existing and projected amount of habitat fragmentation. Currently, approximately 75 percent of the key wildlife habitat in the FFO area is within 1,320 feet of a road. Research conducted by Easterly et al. (1991), Rost and Bailey (1979), Ward (1976), Lyon (1983), and others has found that deer and elk tend to avoid the areas within 0.25 to 0.5 miles of adjacent roads. The nature and extent of this avoidance is dependent upon the amount of cover present, the volume of traffic, and whether or not the vehicles stop or continue moving. Research conducted in Wyoming by Easterly et al. (1991) found “that stress from human activities associated with oil and gas development may be additive to environmental stress and increase winter mortality”. Given the current situation and the fact that an additional 9,942 new wells (USDI - BLM, 2003) are projected to be drilled over the next 20 years in the FFO area it was decided that protective measures to minimize the stress and resulting energy expenditure by big game needed to be implemented. Therefore, in response to this need, timing restrictions on drilling new wells and new construction were identified as a means to reduce the amount of vehicle travel and the accompanying human activity.

The BLM recognizes the additional burden to industry in planning and scheduling field activities to accommodate the new timing restrictions. In an effort to ease this burden, BLM, in conjunction with representatives from industry, environmental and sportsmen groups, and the New Mexico Department of Game & Fish, has developed criteria to assist industry in understanding where and when exceptions to the timing restrictions may be granted. Background information in the form of the amount of existing human

disturbance and approximate numbers of big game animals was referenced from Table 1 below when developing these criteria.

To the extent possible, BLM strongly encourages industry to plan drilling and new pipeline installation in areas with seasonal restrictions to take place in those approximately 8 months when these types of activities are permissible. In those instances when this may not be possible the following criteria will govern BLM's decision making process with respect to approving or denying requests for exceptions to the timing stipulations.

EXCEPTION CRITERIA

Although there are a total of 11 SDAs with wildlife timing stipulations not all of these are of equal value to wildlife or sensitivity to human disturbance. For these reasons, it was decided to prioritize the SDAs into 3 categories: High, Moderate, and Low (See Table 1 below). This prioritization process considered historical big game numbers, the amount of existing disturbance, habitat condition, and wildlife cover. The intent of conducting this exercise was to define which SDAs might be more likely to receive an exception to the prevailing timing stipulation. In taking this a step further, the working committee (noted above) delineated certain areas that might be the most likely to be granted an exception in the absence of harsh climatic conditions. These locations (See Map – Exception Criteria Areas) fall into 5 different SDAs. They are: Thomas Canyon, Rattlesnake Canyon, Middle Mesa, Rosa, and Gonzales Mesa.

a. **Exception Application Process –** An application for an exception should be in writing with the proposed well's legal location, GPS coordinates, timeframe desired, and well name. Although not required, companies can receive "conditional" approval for an exception to drill during the restricted period if they submit a drilling plan by September 1st. The prospect for final approval can be enhanced if much of the major surface disturbing activity, i.e., building roads, pads, laying pipelines, etc., is completed outside of the closure period. The BLM will provide a conditional response to the drilling plan within two weeks of receipt of the drilling plan. It will be the companies' responsibility to check with the BLM one week prior to the conditionally approved starting date. At this time, BLM will review the exception criteria, in particular those that pertain to animal density and winter severity, and issue a final decision on the exception request.

b. **Activities Defined** - Activities during seasonal closure periods that will require an exception to the management stipulations are generally confined to the building of new roads, well pads, drilling of new wells, seismic exploration, or extensive construction such as pipelines or large compressor facilities. Activities that are permissible during the seasonal closure period would include daily operations, road maintenance, remedial workovers, and routine pipeline maintenance. In general, activities that are confined to an existing well location, require no longer than 48 to 72 hours to complete, and are conducted during daylight hours are permissible. Cavitation of wells, unless an emergency need exists to restore a

dramatic loss in volume or a non-functional well, will be considered non-routine. In these situations, requests for exceptions to the seasonal restrictions will be considered on a case by case basis.

c. **Rating Process –** The criteria for making a determination on an exception request will be based upon the criteria listed below. Bear in mind that animal density and severity of the winter are more heavily weighted factors and while factors 3 through 5 will be considered in every request, they will have more influence in situations where it is a close call. Much of the analysis below is based upon the needs of mule deer since this species is the most abundant in Game Management Unit 2 and is the focus of the New Mexico Department of Game & Fish. In some situations elk or antelope may be the primary species being affected, e.g., the Carracas elk calving area or the Ensenada Mesa antelope fawning area. Requests for exceptions in these areas will be addressed on a case by case basis. In general, the greatest amount of flexibility in granting exceptions to the closure period will likely occur at the very beginning or end of the timeframe in question and those where most of the major surface disturbing work has been accomplished outside of the restricted period.

1. Animal Density: The basis of this criterion will likely be somewhat subjective and based upon field observations. Data collection methods such as helicopter surveys would be impractical for each request or series of requests due to the cost involved and the lack of probable expediency in processing the request. In general, if it can be said that big game distribution is commonly evident and somewhat pervasive in the proposed project area as evidenced by tracks, droppings, and live sightings on a daily basis, then the area would be considered as having a moderate to high density of animals. Conversely, infrequent live sightings and few or sporadic tracks and pellet groups would suggest a low density. Moderate to high densities would generally be incompatible with increased human activity during the winter.

2. Severity of the winter: Mackie (1994) reported that 6 to 12 inches of snow will cause major migrations or shifts in habitat use by mule deer. Mackie also found that a deer's comfort range (in the presence of suitable thermal cover) varied from 15 to 45 degrees F. At 15 degrees F. deer may seek a warmer, more sheltered position on the landscape. Dasman (1981) reported that at temperatures below 40 degrees F. deer begin to lose weight with this loss becoming more rapid if the temperature falls below 30 degrees F. regardless of the quantity or quality of forage available. Mautz et al. (1985) found that at temperatures below 7 degrees F. deer altered their behavior to conserve energy and body heat. During these periods deer were observed to spend 25-40 percent less time standing and chose instead to lie with their legs folded under them and head curled back and nose tucked into their flank. Based on these observations a severe winter will be defined as 6-12 inches of snow (on any position on the landscape) and temperatures averaging 20 degrees F. (or less) over a 24 hour period. Conversely, a light to moderate winter will be defined as a general absence of snow or depths not exceeding 2-3 inches with temperatures over a 24 hour period averaging 35-45 degrees. Severe winter conditions would generally be incompatible with increased human activity.

3. Length of the proposed operation: Exceptions where the proposed activity will be of a shorter duration will be more favorably viewed than one of a longer period. The reasoning behind this is that weather conditions are subject to change dramatically over a 2-3 week period. Therefore, exceptions for activities such as drill and cap a well within 3 weeks, with the completion being done after the closure period, will be viewed more favorably than drill and complete the well entirely within the closure period, which may take 6-8 weeks. Similarly, requests for exceptions where the proposed activity will take place on existing well pads and/or off of existing roads or roads built outside of the closure period would be more favorably viewed than proposals requiring extensive excavation during the closure period.

4. Condition of the surrounding habitat: Requests for exceptions in areas where there is abundant forage and thermal/escape cover will be viewed more favorably than areas with inadequate cover and forage.

5. Amount of existing disturbance: Areas with a lesser amount of disturbance such as roads, wells, and compressor facilities will be viewed more favorably than an area that is highly disturbed. The reasoning behind this is that animals displaced or disturbed by increased human activity may have alternate habitat available to use in a less fragmented area as opposed to a highly fragmented location. Thus, requests where the proposed activities would be localized or clustered would be viewed more favorably than if the activities are spread over a broad area. This would be especially true in areas that are highly fragmented due to existing roads and wells.

Processing Time: It is intended that requests for exceptions can be processed within 24-72 hours of receipt.

Table 1. - SDAs With Timing Limitation Stipulations

WILDLIFE SDA PRIORITIZATION

High Priority	**Wells/ sq. mi.**	**Road/sq. mi.**	**Total Acres**	**Total # of wells**	**Population Bracket Deer 94-02**	**Population Bracket Elk 94-02**	**Antelope 01-02**	**Timing Stipulation**
Rosa	7.9	2.0	61,406	938	460-1,495	3-76	0	12/01-03/31
Carracas	6.0	1.8	3,201	81	99-469	3-76	0	11/01-03/31 & 04/01-07/15
Thomas Canyon	1.4	2.0	12,775	34	90-474	0	0	12/01-03/31
Crow Mesa	1.5	1.9	34,264	87	62-89	16-71	0	12/01-03/31
Subtotal			**116,646**					
Moderate Priority								
Ensenada	14.2	3.3	45,767	1,139	21-99	19-190	58	05/01-07/15
Rattlesnake	6.3	2.3	98,276	1,079	90	25-34	0	12/01-03/31
E. La Plata	3.8	1.2	5,814	42	40 (Est.)	0	0	12/01-03/31
Middle Mesa	7.7	2.3	40,317	557	54	57	0	12/01-03/31
Laguna Seca	9.4	1.5	8,124	134	NA	NA	0	12/01-06/15
Cereza Canyon	12.4	3.7	27,868	571	52-285	51-385	0	12/01-03/31
Subtotal			**226,166**					
Low Priority								
Gonzales	6.7	4.4	6,103	78	40-84	7	0	12/01-03/31
Subtotal			**6,103**					
Total			**348,915**					

*Includes all federal owned minerals under private surface.

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Wildlife SDAs - Prioritized